

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed December 31, 2003 (i.e., Paper No. 4). Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner initially indicated in Paper No. 4 that her rejections were final. On February 23, 2004 Applicants' representative, John L. Rooney, requested that the Examiner reconsider the finality of her rejection in view of the new grounds of rejection of claims which have not been amended to the extent the new grounds of rejection were necessary. On February 23, 2004, the Examiner indicated that she will withdraw the finality of the rejection. It was agreed at that time that Applicants would respond to Paper No. 4 as a non-final rejection. Therefore, this response is provided under 37 CFR § 1.111 and not under 37 CFR § 1.116.

The Examiner has made a provisional, judicially created, obviousness-type double patenting rejection. As stated before, this application is in prosecution, and claims are not yet allowed. If the present condition were to exist upon allowance

of all claims, Applicants would favorably consider filing a terminal disclaimer.

Claims 1-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,169,992, issued to Beall et al. (hereinafter referred to as "Beall"). This ground of rejection is respectfully traversed for the following reasons.

Applicants' invention as disclosed and claimed is directed to "enhancements for dynamically building and utilizing customized services from a user terminal via the Internet"¹. Building a service means preparing a description of future data base management functions rather than actually performing those data base management functions. Beall, on the other hand, is concerned with "remotely accessing database management systems"². Because the Examiner has apparently not found this distinction in the claimed invention, claims 1, 4, 6, 8, and 11-12 have been herewith amended to "sharpen" the distinction between using a Data Wizard to build a service and using a Data Wizard to access data.

Specifically, with regard to claim 1, the Examiner states:

a Data Wizard (Figures 27-31) which permits said user to specify said service as an ordered sequence of discreet and independent steps...

¹See Applicants' Field of the Invention at page 4, lines 4-5.

²See first line of the Beall Abstract.

What the Examiner actually means is that the user of Beall can access the data base using a sequence of windows. Claim 1, as amended, requires the user to build a service. The result of Beall's approach is a data base management access. The result of Applicants' claimed approach is a "service" which can be subsequently utilized to access a data base.

Additional amendments were made to claims, such as claim 4 which "automatically inhibits". This is readily compared with the manual operation of Beall, which in the words of the Examiner:

wherein the presentation of any step is inhibited by using "cancel button".

It is clear that the Examiner cannot equate the "automatic" operation of Applicants' invention with the "manual" operation of Beall.

Claim 11 has been further amended to provide for storing of the completed service. This is not found in Beall.

Claim 16 is an apparatus claim having "means-plus-function" limitations. Under controlling law (e.g., MPEP 2181 et seq.), Beall has no "designing means" as is limiting of the claim. Therefore, the rejection of claim 16 is respectfully traversed without amendment.

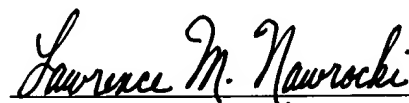
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

Thomas N. Turba

By his attorney,

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Lawrence M. Nawrocki
Reg. No. 29,333
Suite 401
Broadway Place East
3433 Broadway Street N.E.
Minneapolis, Minnesota
55413
(612) 331-1464